



GOVERNOR'S OFFICE OF
BUDGET AND PROGRAM PLANNING

Fiscal Note 2011 Biennium

Bill #	SB0158	Title:	Revise number of judges in judicial districts
Primary Sponsor:	Barkus, Gregory D	Status:	As Amended in House Committee

- | | | |
|--|--|--|
| <input checked="" type="checkbox"/> Significant Local Gov Impact | <input checked="" type="checkbox"/> Needs to be included in HB 2 | <input type="checkbox"/> Technical Concerns |
| <input type="checkbox"/> Included in the Executive Budget | <input type="checkbox"/> Significant Long-Term Impacts | <input type="checkbox"/> Dedicated Revenue Form Attached |

FISCAL SUMMARY

	<u>FY 2010 Difference</u>	<u>FY 2011 Difference</u>	<u>FY 2012 Difference</u>	<u>FY 2013 Difference</u>
Expenditures:				
General Fund	\$59,043	\$567,883	\$952,734	\$952,967
Revenue:				
General Fund	\$0	\$0	\$0	\$0
Net Impact-General Fund Balance	<u>(\$59,043)</u>	<u>(\$567,883)</u>	<u>(\$952,734)</u>	<u>(\$952,967)</u>

Description of fiscal impact:

This bill increases the number of District Court Judges in the 1st, 11th and 13th Judicial Districts. Costs in this fiscal note include the necessary staff for each judge. An increase in the number of district court judges will necessitate the Office of the State Public Defender to relocate its operations in Lewis & Clark County. This bill will cause a negative impact to the general fund.

FISCAL ANALYSIS

Assumptions:

Judicial Branch

- Salaries used in this fiscal note for District Court Judges for FY 2011 are based on the 2008 Elected State Officials Salary Survey. The benefit amounts used are as calculated by the Montana Budgeting system (MBARS). Salaries and benefits for FY 2012 and FY 2013 are estimated using amounts from MBARS for FY 2011. District Court Judge's salaries are statutorily set using a salary survey conducted by Department of Administration from the average salary of general jurisdictions similar to Montana as per 3-5-211, MCA. Because the salary survey done in 2010 sets the salaries for FY 2012 and FY 2013, there may be a difference from the fiscal note to the actual costs experienced in FY 2012 and FY 2013.

2. Salaries and benefits used in this fiscal note for the judge's staff (judicial assistants, law clerks and court reporters) are based on MBARS for FY 2011. Salaries for FY 2012 and FY 2013 are based on MBARS amounts for FY 2011.
3. Variable cost estimates included in this fiscal note are based on the average statewide variable costs from FY 2008. FY 2008 actual variable costs totaled \$2,098,573. \$2,098,573/43 current District Court Judges = \$48,804 average variable cost per judge.
4. District Court Judge's subscription and communication costs included in this fiscal note are based on actual FY 2008 expenses averaged per existing judge in each of the affected Judicial Districts.
5. Law book costs included in this fiscal note are based on actual FY 2008 expenses averaged per existing judge in each of the affected Judicial Districts plus a 3% increase.
6. The Judicial Branch will incur monthly data network computer access charges assessed by the Department of Administration of \$120/mo/per computer (\$1,440/year/employee).
7. Office supplies are estimated at \$300/year/employee.
8. Staff training is estimated at \$300/year/employee (excluding judges).
9. Copies are estimated at \$400/year/employee.
10. Court reporter maintenance and software is estimated at \$1,200/year/new judge effective the following year after date of hire. First year of maintenance and software is assumed to be included in the purchase of equipment.
11. On-line law information access costs are estimated at \$1,000/year/judge.
12. One-time startup costs include the standard new employee package of a desk, chair, bookshelf and file cabinet \$1,200/employee; computers \$1,400/employee for the judge's staff only; laptops \$2,200/judge; judge's robes \$500/judge; courtroom signs \$400/judge; MCA book costs \$600/judge and law clerk; law books \$2,000/judge; office supply set up \$500/employee; fax machine \$450/judge; employee ads \$200/employee for the judge's staff; hearing room setup \$10,000/judge; and court reporting equipment \$10,000/court reporter.
13. This bill provides a new District Court Judge to be elected and take office on 1/3/11 in the 1st Judicial District. The judge's staff includes a judicial assistant, court reporter and a law clerk and costs include personal services, operating and equipment costs. Total costs; \$212,541 for FY 2011, \$349,581 for FY 2012, \$349,581 for FY 2013. Total costs include:
 - Operating costs include:
 - Data network fees \$2,880 for FY 2011 (\$1,440 x 4 employees x ½ year), \$5,760 for FY 2012 and FY 2013 (\$1,440 x 4 employees per year).
 - Office supplies \$600 for FY 2011 (\$300 x 4 employees x ½ year), \$1,200 for FY 2012 and FY 2013 (\$300 x 4 employees per year).
 - Staff training \$450 for FY 2011 (\$300 x 3 employees x ½ year), \$900 for FY 2012 and FY 2013 (\$300 x 3 employees per year).
 - Copies \$800 for FY 2011 (\$400 x 4 employees x ½ year), \$1,600 for FY 2012 and FY 2013 (\$400 x 4 employees per year).
 - On-line law information charges \$500 for FY 2011 (\$1,000 x 1 judge x ½ year), \$1,000 for FY 2012 and FY 2013 (\$1,000 x 1 judge per year).
 - Communication expenses \$1,001 for FY 2011 (\$2,002 x ½ year), \$2,002 for each year FY 2012 and FY 2013.
 - Law books \$2,435 for FY 2011 (\$4,870 x ½ year), \$4,870 for FY 2012 and FY 2013.
 - Court reporter software and maintenance \$1,200 each year for FY 2012 and FY 2013.
 - One-time startup costs to be incurred in FY 2011 include:
 - Standard new employee package \$4,800 (\$1,200 x 4 employees).
 - Computers \$4,200 (\$1,400 x 3 employees).
 - Laptop \$2,200 for judge.
 - Judge's robes \$500.

- Fax machine \$450.
 - Courtroom signs \$400.
 - Office supply set up \$2,000 (\$500 x 4 employees).
 - MCA law books \$1,200 (\$600 per judge and law clerk).
 - Law books estimated at \$2,000.
 - Employee ads \$600 (\$200 x 3 employees).
 - Hearing room setup \$10,000.
 - Court reporter equipment \$10,000.
 - Variable costs \$24,402 for FY 2011 (\$48,804 x ½ year) and \$48,804 for FY 2012 and FY 2013.
 - Personal Services:
 - District Court Judge - FY 2011 \$74,285 (\$148,569 x ½ year), and \$148,569 for FY 2012 and FY 2013.
 - Judicial assistant - FY 2011 \$18,594 (\$37,188 x ½ year), and \$37,188 for FY 2012 and FY 2013.
 - Law clerk – FY 2011 \$25,548 (\$51,096 x ½ year), and \$51,096 for FY 2012 and FY 2013.
 - Court reporter – FY 2011 \$22,696 (\$45,392 x ½ year), and \$45,392 for FY 2012 and FY 2013.
14. This bill provides a new District Court Judge to be elected and take office on 1/3/11 in the 11th Judicial District. The judge's staff includes a judicial assistant and a law clerk and costs include personal services and operating costs. Total costs - \$173,350 for FY 2011, \$296,599 for FY 2012, \$296,599 for FY 2013. Total costs include:
- Operating costs include:
 - Data network fees \$2,160 for FY 2011 (\$1,440 x 3 employees x ½ year), \$4,320 for FY 2012 and FY 2013 (\$1,440 x 3 employees per year).
 - Office supplies \$450 for FY 2011 (\$300 x 3 employees x ½ year), \$900 for FY 2012 and FY 2013 (\$300 x 3 employees per year).
 - Staff training \$300 for FY 2011 (\$300 x 2 employees x ½ year), \$600 for FY 2012 and FY 2013 (\$300 x 2 employees per year).
 - Copies \$600 for FY 2011 (\$400 x 3 employees x ½ year), \$1,200 for FY 2012 and FY 2013 (\$400 x 3 employees per year).
 - On-line law information charges \$500 for FY 2011 (\$1,000 x 1 judge x ½ year), \$1,000 for FY 2012 and FY 2013 (\$1,000 x 1 judge per year).
 - Communication expenses \$617 for FY 2011 (\$1,233 x ½ year), \$1,233 for FY 2012 and FY 2013.
 - Law books \$772 for FY 2011 (\$1,544 x ½ year), \$1,544 for FY 2012 and FY 2013.
 - Judge's subscriptions \$73 for FY 2011 (\$145 x ½ year), \$145 for FY 2012 and FY 2013.
 - One-time startup costs to be incurred in FY11 include:
 - Standard new employee package \$3,600 (\$1,200 x 3 employees).
 - Computers \$2,800 (\$1,400 x 2 employees).
 - Laptop \$2,200 for judge.
 - Judge's robes \$500.
 - Fax machine \$450.
 - Courtroom signs \$400.
 - Office supply set up \$1,500 (\$500 x 3 employees).
 - MCA law books \$1,200 (\$600 per judge and law clerk).
 - Law books \$2,000.
 - Employee ads \$400 (\$200 x 2 employees).
 - Hearing room setup \$10,000.
 - Variable costs \$24,402 for FY 2011 (\$48,804 x ½ year) and \$48,804 for FY 2012 and FY 2013.
 - Personal Services:

- District Court Judge – FY 2011 \$74,285 (\$148,569 x ½ year), and \$148,569 for FY 2012 and FY 2013.
 - Judicial assistant – FY 2011 \$18,594 (\$37,188 x ½ year), and \$37,188 for FY 2012 and FY 2013.
 - Law clerk – FY 2011 \$25,548 (\$51,096 x ½ year), and \$51,096 for FY 2012 and FY 2013.
15. This bill provides a new District Court Judges to be elected and take office on 1/3/11 in the 13th Judicial District. The judge's staffs include a judicial assistant and a law clerk and costs include personal services and operating costs. Total costs - \$174,437 for FY 2011, \$298,771 for FY 2012, \$298,771 for FY 2013. Total costs include:
- Operating costs include:
 - Data network fees \$2,160 for FY 2011 (\$1,440 x 3 employees x ½ year), \$4,320 for FY 2012 and FY 2013 (\$1,440 x 3 employees per year).
 - Office supplies \$450 for FY 2011 (\$300 x 3 employees x ½ year), \$900 for FY 2012 and FY 2013 (\$300 x 3 employees per year).
 - Staff training \$300 for FY 2011 (\$300 x 2 employees x ½ year), \$600 for FY 2012 and FY 2013 (\$300 x 2 employees per year).
 - Copies \$600 for FY 2011 (\$400 x 3 employees x ½ year), \$1,200 for FY 2012 and FY 2013 (\$400 x 3 employees per year).
 - On-line law information charges \$500 for FY 2011 (\$1,000 x 1 judge x ½ year), \$1,000 for FY 2012 and FY 2013 (\$1,000 x 1 judge per year).
 - Communication expenses \$1,839 for FY 2011 (\$3,676 x ½ year), \$3,676 for FY 2012 and FY 2013.
 - Law books \$583 for FY 2011 (\$1,166 x ½ year), \$1,166 for FY 2012 and FY 2013.
 - Judge's subscriptions \$126 for FY 2011 (\$252 x ½ year), \$252 for FY 2012 and FY 2013.
 - One-time startup costs to be incurred in FY11 include:
 - Standard new employee package \$3,600 (\$1,200 x 3 employees).
 - Computers \$2,800 (\$1,400 x 2 employees).
 - Laptop \$2,200 for judge.
 - Judge's robes \$500.
 - Fax machine \$450.
 - Courtroom signs \$400.
 - Office supply set up \$1,500 (\$500 x 3 employees).
 - MCA law books \$1,200 (\$600 per judge and law clerk).
 - Law books \$2,000.
 - Employee ads \$400 (\$200 x 2 employees).
 - Hearing room setup \$10,000.
 - Variable costs \$24,402 for FY 2011 (\$48,804 x ½ year) and \$48,804 for FY 2012 and FY 2013.
 - Personal Services:
 - District Court Judge – FY 2011 \$74,285 (\$148,569 x ½ year), and \$148,569 for FY 2012 and FY 2013.
 - Judicial assistant – FY 2011 \$18,594 (\$37,188 x ½ year), and \$37,188 for FY 2012 and FY 2013.
 - Law clerk – FY 2011 \$25,548 (\$51,096 x ½ year), and \$51,096 for FY 2012 and FY 2013..

Office of the State Public Defender (OPD)

16. SB 158 will increase the number of district court judges, and these judges will be positioned within their respective courthouses. Due to limited courthouse space, this would mandate the Office of the State Public Defender (OPD) to relocate offices outside of the courthouse in Lewis & Clark County in order to free up space for the new judgeship. For Lewis and Clark County, OPD estimates the cost of a move to

include a phone system at \$25,000, cabling and network connectivity at \$28,375 and the physical cost of moving at \$2,000. These costs will be incurred in FY 2010.

17. The required move to new space in Lewis & Clark County will result in additional leasing costs. This incremental rent increase per year will be approximately \$3,668 (six months) FY 2010 and \$7,556 FY 2011. OPD estimates an increase of 3% thereafter.

	<u>FY 2010 Difference</u>	<u>FY 2011 Difference</u>	<u>FY 2012 Difference</u>	<u>FY 2013 Difference</u>
<u>Fiscal Impact:</u>				
Judicial Branch				
FTE	0.00	5.00	10.00	10.00
<u>Expenditures:</u>				
Personal Services	\$0	\$377,976	\$755,951	\$755,951
Operating Expenses	\$0	\$172,351	\$189,000	\$189,000
Equipment	\$0	\$10,000	\$0	\$0
TOTAL Expenditures	\$0	\$560,327	\$944,951	\$944,951
<u>Funding of Expenditures:</u>				
General Fund (01)	\$0	\$560,327	\$944,951	\$944,951
Office of the Public Defender				
<u>Expenditures:</u>				
Operating Expenses	\$59,043	\$7,556	\$7,783	\$8,016
<u>Funding of Expenditures:</u>				
General Fund (01)	\$59,043	\$7,556	\$7,783	\$8,016
<u>Net Impact to Fund Balance (Revenue minus Funding of Expenditures):</u>				
General Fund (01)	(\$59,043)	(\$567,883)	(\$952,734)	(\$952,967)

Effect on County or Other Local Revenues or Expenditures:

1. Each county is responsible for providing office space, courtroom, and other space for district court operations per 3-1-125, MCA. It is assumed that existing courtrooms will be shared with new District Court Judges. Additional space for judges and their staffs will need to be provided by each affected county.

Sponsor's Initials

Date

Budget Director's Initials

Date